



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 1, 2020
FROM: CITY ATTORNEY WARDS: ALL
SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT

ISSUE:

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of April 1, 2020 through June 30, 2020, as provided in the outside counsel policy approved by City Council on June 16, 2015.

RECOMMENDATIONS:

That the City Council receives and files the attached report.

BACKGROUND:

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

FISCAL IMPACT:

There is no fiscal impact at this time.

Prepared by: Kristi J. Smith, Chief Assistant City Attorney for
Gary G. Geuss, City Attorney

Attachment: Outside Counsel Expenditure Report

**OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH JUNE 30, 2020**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	4/1/20 - 6/30/2020	TOTAL AS OF 6/30/20	
ALSTON BIRD							
	<i>Public Watchdogs v CA State Lands Commission</i>	CEQA Lawsuit	520	5,000	-	-	5,000
	<i>Samuel Lawrence Foundation v Coastal Commission</i>	Re Songs		5,370	-	-	5,370
	<i>Public Watchdogs v CA State Lands Commission</i>	Appeal	520	3,580	-	-	3,580
Subtotal							
BAKER HOSTETLER							
	<i>Cyber Security Breach</i>	Prevention/Advice	510	20,000	-	2,375	17,625
	<i>Business Tax Security</i>	Prevention/Advice	630	4,000	-	1,838	2,162
Subtotal							
BEST BEST KRIEGER							
	<i>General Advice</i>	Miscellaneous	101	25,000	-	14,987	10,013
	<i>General Advice</i>	RPU	101	13,000	-	5,918	7,082
	<i>RTRP/CPUC</i>	Advice	510	16,455	-	8,326	8,129
	<i>City v DOF</i>	Anticipated litigation	630	65,000	-	60,085	4,915
	<i>Riverwalk CSD Foreclosure</i>	Collection	101	10,000	-	2,645	7,355
	<i>Gage Canal</i>	Advisory	101	20,000	-	17,548	2,452
	<i>General Advice</i>	HR/401(a) Advisory	101	45,000	6,166	21,007	23,993
	<i>Live Nation/Fox Theatre</i>	Advisory	101	5,000	-	-	5,000
	<i>Ice Energy</i>	Bankruptcy		12,000	2,074	3,968	8,032
	<i>Riverside Community Hospital</i>	Tax Matter	101	1,500	1,500	1,500	-
Subtotal					9,740		

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BUCHALTER							
	<i>SCE/CPC Application[1]</i>	RTRP	520	450,000	18,220	415,730	34,270
	<i>CPUC Rulemaking</i>	PSPS	520	60,000	8,209	26,013	33,987
Subtotal					26,429		
BLAISDELL, CHURCH & JOHNSON							
	<i>Bond Counsel*</i>	IPP Generation Plant	510	5,000		1,000	4,000
Subtotal							
BURKE WILLIAMS & SORENSEN	<i>Friends of Riverside Airport v City</i>	Ag Park Litigation	630	350,000	271,100	307,447	42,553
Subtotal					271,100		
CHAPMAN AND CUTLER							
	<i>Bond Counsel*</i>						
CONSTANTINE CANNON							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-		-	-
Subtotal							
COTCHETT PITRE & McCARTHY							
	<i>Bond Derivative Litigation</i>	Contingency*		-		-	-

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COLANTUONO HIGSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400	-	36,704	3,696
	<i>General Advice</i>	CAO	101	15,000	-	13,771	1,229
	<i>General/RPU</i>	Electric & Water Cost Service Study	520	25,000	-	65	24,935
	<i>Parada II v City</i>	GFT Challenge/Litigation	101	162,500	30,999	150,171	12,329
	<i>Bailey, William R. v City***</i>	Litigation Initiated by Mayor	101	338,000	10,949	327,409	10,591
	<i>Clymer, R. Ben v City</i>	Challenge to Russo Contract	101	155,000	14,735	145,812	9,188
	<i>Nunez, J. v City</i>	Claim	101	25,000		1,902	23,098
	<i>Carl Pongs v City</i>	Water Rate Challenge	520	100,000	3,142	10,515	89,485
	<i>Simpson v City</i>	Water GFT Challenge	520	60,000	6,647	16,421	43,579
Subtotal					66,472		
ELLISON SCHNEIDER							
	<i>1969 Judgment*</i>	Bunker Hill Basin	510	30,000	-	12,249	17,751
Subtotal							
GIBBS GIDEON							
	<i>General Public Contracting</i>	Advisory	101	7,500		2,883	4,617
Subtotal							

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GREINES MARTIN STEIN & RICHLAND							
	<i>Clymer v City**</i>	Challenge to Russo Contract	630	131,338	11,623	135,320	(3,982)
	<i>Easley, Michael v. City</i>	Federal civil rights action	630	137,695	-	117,736	19,959
	<i>Nichols, Raymond v City**</i>	Federal civil rights action	630	107,455	89	102,982	4,473
	<i>Burtis v City</i>	Appellate advice	630	15,000		14,613	387
	<i>Louis, Jean-Louis v City</i>	Appellate advice	630	15,000		9,748	5,252
Subtotal					11,712		
JONES HALL							
	<i>Bond Counsel*</i>	SIFMA		40,000		-	40,000
	<i>Bond Counsel*</i>	Electric and Water Bonds 2018		45,000		-	45,000
	<i>Bond Counsel*</i>	2019 Electric & Water Bonds		90,000		-	90,000
Subtotal							
LEWIS BRISBOIS BISGAARD & SMITH							
	<i>Easley, Michael v City</i>	Civil rights litigation	630	406,500	31,857	364,266	42,234
	<i>Friends of Riverside Airport v Dept of the Army*</i>	CEQA Litigation/Environmental	630	500,000		115,483	384,517
Subtotal					31,857		

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LIEBERT CASSIDY WHITMORE							
	<i>General Advice</i>	Misc	101	1,000	-	447	553
Subtotal							
MILLER AXLINE & SAWYER							
	<i>TCP Contaminataion</i>	Advisory/contingency*					
	<i>City v Black & Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*					
MURPHY & EVERTZ							
	<i>SBCTA v City</i>	Condemnation		150,000	-	13,413	86,587
Subtotal							
SMITH LAW OFFICES							
	<i>Clymer v City</i>	Challenge to Russo Contract	630	75,000	960	18,376	56,624
	<i>Louis, Jean-Louis v City</i>	Civil rights litigation	630	176,000	480	16,810	159,190
	<i>Nichols, Raymond v City</i>	Civil rights litigation	630	120,000	420	49,809	70,191
	<i>Wilder, S. v City</i>	Suit for Wrongful Termination	630	100,000	4,400	6,760	93,240
Subtotal					6,260		

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STRADLING YOCCA CARLSON & RAUTH							
	<i>Bond Counsel</i>	2006 Lease Revenue (Galleria)		55,000		-	55,000
	<i>Bond Counsel</i>	2018 Sewer Revenue Bonds		65,000		-	65,000
	<i>Bond Counsel</i>	2019 Electric and Water Bonds		140,000		-	140,000
	<i>Bond Counsel</i>	Debt Disclosure Reports		15,000		-	15,000
	<i>Bond Counsel</i>	CFDs and Assessment Districts		15,000		-	15,000
	<i>Bond Counsel</i>	2015A Sewer Revenue Bonds		10,000		-	10,000
Subtotal							
THINK LEGAL360							
	<i>Harris, Bobby v. City</i>	Employment Litigation	630	485,000	387	278,840	206,160
Subtotal					387		
THOMPSON COBURN							
	<i>FERC**</i>	Regulatory	510	750,000	241,754	734,070	15,930
	<i>LADWP Transmission Agreements</i>	Potential Extension	510	25,000		-	25,000
Subtotal					241,754		
TOTAL					665,611		

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Note: Plaintiff's Case - Outside Counsel Retained for Recovery							
BURKE WILLIAMS SORENSEN							
	City v. Jurupa/Rubidoux CSD, et al. **	Recovering contribution obligation for RWQCP project	550	4,782,326	85,522	4,280,727	501,599

Please note:

- (1) Some totals may include costs
- (2) Items shaded in blue are closed
- (3)*Contingency bond counsel payments are per individual bond transactions or recovery received
- (4)**Change order
- (5)***Litigation initiated by Mayor

[1] Attorney's fees will be recovered from SCE